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July 29, 2022

**BY ECF**

The Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Foley Square, Room 1105  
New York, New York 10007

In light of the Government's response at Doc. #69, the request is  
**GRANTED. The Clerk of Court is directed to terminate Doc. #67. SO  
ORDERED.**



Re: *United States v. Centeno*, 20 Cr. 432 (JMF)

August 4, 2022

Your Honor:

I represent Mr. Yaurel Centeno in the above-referenced case. I write, pursuant to F.R.A.P. 4(b)(4), to extend Mr. Centeno's time to file a notice of appeal of his sentence "upon a finding of ... good cause" from July 15, 2022 to today, July 29, 2022. His judgment of conviction was filed on July 1, 2022. He did not file an appeal by July 15, 2022. Today, I filed a notice of appeal on his behalf. *See* Doc. No. 66. This application should be granted for the following reasons.

On July 21, 2022, the Second Circuit decided that Hobbs Act robbery, whether conspiratorial or substantive, is not a "crime of violence" under the Career Offender Guideline because it can be committed using force against property rather than people. *See United States v. Chappelle*, No. 20-3835, 2022 U.S. App. LEXIS 20115, at \*1 (2d Cir. July 21, 2022).

Here, the Court departed horizontally and varied substantially from the 262 to 327 month guideline range advocated by the government, in sentencing Mr. Centeno to a total sentence of 144 months. However, had *Chappelle* been the law on June 30, 2022 – Mr. Centeno's sentencing date – and U.S.S.G. § 4B1.1 not been applied, his guideline range would have been 37 to 46 months on Counts One and Two (the Hobbs Act counts), followed by a consecutive term of 84 months for his 924(c) violation, resulting in an effective guideline range of 121 to 130 months imprisonment. Although this specific issue was not raised, it has an enormous impact on Mr. Centeno. "At the outset of the sentencing proceedings, the district court must determine the applicable Guidelines range." *Molina-Martinez v. United States*, 136 S. Ct. 1338, 1342 (2016) (citing *Peugh v. United States*, 569 U.S. 530, 536 (2013)). In light of "[t]he Guidelines' central role in sentencing," an error related to the Guidelines is "particularly serious." *Id.* at 1345.

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Accordingly, I respectfully request that the time for Mr. Centeno to file his notice of appeal concerning his sentence be extended from July 15, 2022 to July 29, 2022. I appreciate Your Honor's consideration of this application.

Respectfully,

/s/ Michael Hueston

cc: A.U.S.A. Thomas John Wright